

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,	)	2:15-CR-239-GMN-(VCF)
	)	
Plaintiff,	)	
	)	
v.	)	Preliminary Order of Forfeiture
	)	
MARCELINO VAZQUEZ-FLORES,	)	
	)	
Defendant.	)	

This Court finds that defendant Marcelino Vazquez-Flores pled guilty to Counts One, Two, Five, and Six of a Seven-Count Criminal Indictment charging him in Counts One and Two with Illegal Alien in Possession of a Firearm in violation of Title 18, United States Code, Section 922(g)(5)(A) and in Counts Five and Six with Distribution of a Controlled Substance in violation of Title 21, United States Code, Section 841(a)(1). Criminal Indictment, ECF No. 1; Change of Plea, ECF No. 31; Plea Agreement, ECF No. 32.

This Court finds defendant Marcelino Vazquez-Flores agreed to the forfeiture of the property set forth in the Plea Agreement. Criminal Indictment, ECF No. 1; Change of Plea, ECF No. 31; Plea Agreement, ECF No. 32.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the offenses to which defendant Marcelino Vazquez-Flores pled guilty.

The following assets are (1) any firearm or ammunition involved in or used in any knowing violation of Title 18, United States Code, Section 922(g)(5)(A); (2) any firearm or

1 ammunition intended to be used in any offense punishable under the Controlled Substances Act,  
2 Title 21, United States Code, Section 841(a)(1); (3) any property, real or personal, which  
3 constitutes or is derived from proceeds traceable to violations of Title 21, United States Code,  
4 Section 841(a)(1), a specified unlawful activity as defined in Title 18, United States Code,  
5 Sections 1956(c)(7)(A) and 1961(1)(D), or a conspiracy to commit such offense; (4) any  
6 property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result  
7 of violations of Title 21, United States Code, Section 841(a)(1); (5) any property used, or  
8 intended to be used, in any manner or part, to commit, or to facilitate the commission of  
9 violations of Title 21, United States Code, Section 841(a)(1); (6) all moneys, negotiable  
10 instruments, securities, or other things of value furnished or intended to be furnished by any  
11 person in exchange for a controlled substance or listed chemical in violation of Title 21, United  
12 States Code, Section 841(a)(1), all proceeds traceable to such an exchange, and all moneys,  
13 negotiable instruments, and securities used or intended to be used to facilitate any violation of  
14 Title 21, United States Code, Section 841(a)(1); and (7) any firearm used or intended to be used  
15 to facilitate the transportation, sale, receipt, possession, or concealment of property in violation  
16 of Title 21, United States Code, Section 841(a)(1), and are subject to forfeiture pursuant to Title  
17 18, United States Code, Section 924(d)(1) with Title 28, United States Code, Section 2461(c);  
18 Title 18, United States Code, Section 924(d)(1), (2)(C), and (3)(B) with Title 28, United States  
19 Code, Section 2461(c); Title 18, United States Code, Section 981(a)(1)(C) with Title 28, United  
20 States Code, Section 2461(c); Title 21, United States Code, Section 853(a)(1), (a)(2), and (p);  
21 Title 21, United States Code, Section 881(a)(6) with Title 28, United States Code, Section  
22 2461(c); and Title 21, United States Code, Section 881(a)(11) with Title 28, United States Code,  
23 Section 2461(c):

24           1. a Ruger, model Blackhawk, .45 caliber revolver, bearing serial number 46-  
25                 72938;

26             ///

- 1           2. a EA Co., model J-15, .223 caliber, semiautomatic rifle, bearing serial number
- 2           EA-31448;
- 3           3. a Ruger, model Mark II, .22 caliber semi-automatic pistol, with an obliterated
- 4           serial number; and
- 5           4. any and all ammunition

6 (all of which constitutes property).

7           This Court finds the United States of America is now entitled to, and should, reduce the  
8 aforementioned property to the possession of the United States of America.

9           **NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that  
10 the United States of America should seize the aforementioned property.

11          **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** all right, title, and interest  
12 of Marcelino Vazquez-Flores in the aforementioned property is forfeited and is vested in the  
13 United States of America and shall be safely held by the United States of America until further  
14 order of the Court.

15          **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** the United States of  
16 America shall publish for at least thirty (30) consecutive days on the official internet government  
17 forfeiture website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited  
18 property, state the time under the applicable statute when a petition contesting the forfeiture must  
19 be filed, and state the name and contact information for the government attorney to be served  
20 with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code,  
21 Section 853(n)(2).

22          **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that any individual or  
23 entity who claims an interest in the aforementioned property must file a petition for a hearing to  
24 adjudicate the validity of the petitioner's alleged interest in the property, which petition shall be  
25 signed by the petitioner under penalty of perjury pursuant to Title 21, United States Code,  
26 Section 853(n)(3) and Title 28, United States Code, Section 1746, and shall set forth the nature

1 and extent of the petitioner's right, title, or interest in the forfeited property and any additional  
2 facts supporting the petitioner's petition and the relief sought.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be  
4 filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no  
5 later than thirty (30) days after the notice is sent or, if direct notice was not sent, no later than  
6 sixty (60) days after the first day of the publication on the official internet government forfeiture  
7 site, www.forfeiture.gov.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if  
9 any, shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at  
10 the following address at the time of filing:

11 Daniel D. Hollingsworth  
12 Assistant United States Attorney  
13 501 Las Vegas Boulevard South, Suite 1100  
14 Las Vegas, Nevada 89101.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described  
16 herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate  
17 agency following publication of notice of seizure and intent to administratively forfeit the above-  
described property.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies  
19 of this Order to all counsel of record.

20 DATED this 9 day of September, 2016.

21  
22  
23   
UNITED STATES DISTRICT JUDGE  
24  
25  
26

## **PROOF OF SERVICE**

A copy of the foregoing was served upon counsel of record via Electronic Filing on September 8, 2016.

/s/ Priscila Matera Whalen  
PRISCILA MATERA WHALEN  
FSA Paralegal